UNITED STATES PATENT AND TRADEMARK OFFICE

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10/001,580	11/01/2001	Yoon Kean Wong	035451-0166 (3704.Palm)	2720

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EXAMINER
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ART UNIT	PAPER NUMBER
3621	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/001,580	WONG ET AL.
	Examiner	Art Unit	
	JACOB C. COPPOLA	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *28 October 2010*.

2a) ☐ This action is **FINAL**.　　　　2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *30-34,36,37,39-42,44-46,48-52,54 and 56-59* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *30-34,36,37,39-42,44-46,48-52,54 and 56-59* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a) ☐ All　b) ☐ Some * c) ☐ None of:

　　　1. ☐ Certified copies of the priority documents have been received.

　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Acknowledgements

1.   This Office Action is in reply to Applicants' response filed on 28 October 2010 ("2010 Oct Response") and to Applicant's response filed on 31 March 2010 ("2010 Mar Response").

2.   Claims 30-34, 36, 37, 39-42, 44-46, 48-52, 54, and 56-59 are currently pending.

3.   Claims 30-34, 36, 37, 39-42, 44-46, 48-52, 54, and 56-59 have been examined.

4.   Unless expressly noted otherwise, all references in this Office Action (or in any future office action(s)) to the capitalized versions of "Applicant," "Applicant(s)," or "Applicants" refer specifically to the Applicant of record. Conversely, references to lower case versions of "applicant," "applicant(s)" or "applicants" refer not to the Applicant of record but to any one or all patent applicant(s) generally. Unless expressly noted otherwise, references to the capitalized version of "Examiner" in this Office Action (or in any future office action(s)) refers specifically to the Examiner of record while reference to or use of the lower case version of "examiner," "examiner(s)," or "examiners" refers to examiners generally.

5.   This Office Action is given Paper No. 20101109. This Paper No. is for reference purposes only.

6.   Based on a comparison of Pre-Grant Publication No. U.S. 2003/0084005 A1 ("PGPub") with Applicants' originally submitted specification, the PGPub appears to be a fair and accurate resprentation of Applicants' specification. Therefore, if necessary, any references in this Office Action (or in any future Office Action) to Applicants' original specification will refer to paragraph numbers in the PGPub (*e.g.*, ¶ 0043).

7.   The Examiner of record has changed. Please indicate Jacob C. Coppola on any future

correspondence. Contact information for Examiner Coppola may be found at the end of this

Office Action.

Specification

8.   The specification is objected to as failing to provide proper antecedent basis for the

claimed subject matter. See 37 C.F.R. § 1.75(d)(1) and MPEP §608.01(o). Correction of the

following is required:

   a.   The "A system for pricing an object" of claim 30; and

   b.   The "a data processor configured … to set a price for selling the object, and to

adjust the price lower for selling the object … based at least in part on the location data" of claim

30.

9.   The Examiner notes that the USPTO's Board of Patent Appeals and Interferences

("Board") has recently recognized that the lack of antecedent basis of claim terms in the original

specification as a "significant problem." See 73 Fed. Reg. 32944 (June 10, 2008) (noting that

"[o]ne significant problem faced by the Board under Rule 41.37(c)(1)(v) occurs when the

language of a claim does not have direct antecedent language in the specification.").

10.   Additionally, the Examiner notes that patent examiners have no authority to waive the

provisions of a rule. See *In re Goodman*, 3 USPQ2d 1866, 1871 (ComrPats 1987) (noting the

examiners have no authority to waive 37 C.F.R. §1.111(b)).

11.   Because the lack of antecedent basis is currently recognized by the USPTO as a

significant problem and because the Examiner has no authority to waive the provisions of a rule,

correction of the noted objections to the specification under 37 C.F.R. § 1.75(d)(1) is required.

Claim Rejections - 35 USC §101

12.   35 U.S.C. §101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition
> of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

13.   Claims 39, 41, 42 and 44 are rejected under 35 U.S.C. §101 because the claimed

invention is directed to non-statutory subject matter.

Regarding Claims 39, 41, 42 and 44

14.   Based upon consideration of all of the relevant factors with respect to the claims as a

whole, the claims are directed to an abstract idea and are therefore rejected as ineligible subject

matter under 35 U.S.C. § 101.

15.   One factor to consider when determining if a claim recites a §101 patent eligible process

is whether the claimed process (1) is tied to a particular machine (or apparatus) or; (2) transforms

a particular article to a different state or thing. See *In re Bilski*, 545 F.3d 943, 88 USPQ2d 1385

(Fed. Cir. 2008) (en banc) *aff'd, Bilski v. Kappos*, 561 U.S. ___, 130 S.Ct. 3218, 95 USPQ2d

1001 (U.S. 2010). The Examiner will call this test the Machine-or-Transformation Test ("M-T

Test").

16.   To meet prong (1) of the M-T Test, the method step should positively recite the particular

machine to which it is tied.   This may be accomplished by having the claim positively recite the

machine that accomplishes the method steps.   Alternatively, or to meet prong (2), the method

step should positively recite the material that is being changed to a different state or positively

recite the subject matter that is being transformed.   For example, a method claim that would

probably *not* qualify as a statutory process because it is an abstract idea would be a claim that

recites purely mental steps.

17.   In this particular case, the claims fail prong (1) because the methods steps of

"determining the location…" and "pricing the object…" are not tied to a particular machine.

For example, the step of "determining the location…" could be performed mentally.

18.   Additionally, the claims fail prong (2) because the method steps do not transform the

underlying subject matter to a different state or thing.

19.   For additional guidance, see USPTO Memorandum[1] by Bahr, Robert W., Interim

Guidance for Determining Subject Matter Eligibility for Process Claims in View of Bilski v.

Kappos,[2] July 27, 2010.

20.   To overcome this particular 35 U.S.C. § 101 rejection and assuming the original

specification supports such an amendment in accordance with 35 U.S.C. § 112 1st paragraph, the

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[1] See MPEP §707.06 "Citation of Decisions, Orders Memorandums, and Notices" expressly
authorizing examiners to cite to Commissioner's Memorandums which have not yet been
incorporated into the MPEP.

[2] Available at http://www.uspto.gov/patents/law/exam/memoranda.jsp

Examiner recommends (by way of example only) that Applicant amend claim 39 to recite the

limitations of either of claims 45 or 46.

Claim Rejections - 35 USC §112, First Paragraph

21.   The following is a quotation of the first paragraph of 35 U.S.C. §112:

> (a) The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

22.   Claims 30-34, 36, 37, 39-42, 44-46, 48-52, 54, and 56-59 are rejected under 35

U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

23.   The claims contain subject matter which was not described in the specification in such a

way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the

application was filed, had possession of the claimed invention.

Regarding Claims 30-34, 36, 37, 39-42, 44-46, 48-52, 54, and 56-59

24.   Claim 30 recites (in part) "A system for **pricing an object**" and "a data processor

configured ... **to set a price for selling the object**, and to adjust **the** price lower for **selling** the

object ... based at least in part on the location data" (bold emphasis added). The bolded portions

of these limitations were added to claim 30 in one of Applicants' previous amendments. See

2010 Mar Response at p. 2.

25.   The Examiner has reviewed the original disclosure and cannot locate at least one embodiment showing support for at least the bolded portions of claim 30 in the context of the surrounding claimed elements, as shown above.

26.   The Examiner finds that Applicants' original disclosure is directed to setting a price for insurance products. See at least the abstract and ¶ 0017. Additionally, the Examiner finds that Applicants' disclosed "products" are protection products (*i.e.*, insurance products and risk related services products) for objects (*e.g.*, laptop computers). See at least ¶ 0043. Moreover, based upon a review of the original disclosure, the Examiner finds that insurance and risk related services are *different* than the *objects* they protect. So while Applicants have support for setting a price for selling a product (*i.e.*, insurance products and risk related services products), this is not necessarily support for pricing the object itself because the price (or cost) of purchasing the insurance on an object is almost always *less than* the value of the insured object.

27.   In other words, it is axiomatic that if the the price (or cost) of purchasing insurance was equal to the cost (or value) of the object being insured, there would be no need for the asset holder to purchase the insurance since the asset holder would not be gaining any monitary advantage with the insurance. For example, if the cost of purchasing replacement insurance on a $500 laptop was $500, there would be no need to purchase the insurance. The Examiner therefore finds that the price (or cost) of purchasing insurance is almost always less than (or different from) the price (or value) of the object being insured. Finally, if the end pricing is different, the process by which one arrives at the end price of the insurance product (when compared to the insured object), must also be different.

28.   Because the claims now recite "pricing an object," because the original specification does

not directly or inherently disclose "pricing an object" but instead discloses pricing insurance on

the particular object, and because the price of purchasing insurance on the object is different than

the price of the object being insured, the claims contain new matter and are therefore rejected

under 35 U.S.C. §112, first paragraph, as failing to comply with the written description

requirement.

29.   While the Examiner concludes that one of ordinary skill in the art may find 'pricing the

object' obvious in view of the original disclosure, pricing the object as claimed is not necessarily

disclosed.

Claim Rejections - 35 USC §112, Second Paragraph

30.   The following is a quotation of the second paragraph of 35 U.S.C. §112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

31.   Claim 30-34, 36, 37, 39-42, 44-46, 48-52, 54, and 56-59 are rejected under 35

U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and

distinctly claim the subject matter which Applicant(s) regard(s) as the invention.

Regarding Claims 30-34, 36, 37, 39-42, 44-46, 48-52, 54, and 56-59

32.   Claim 30 recites "to adjust the price lower for selling the object for a person associated

with the user identifier based at least in part on the location data." Claim 30 is indefinite because

it is unclear whether the "for a person" is referring to the "adjust the price lower" or to the "selling the object."

33.   Claims 39 and 48 recite similar limitations and are rejected on the same basis.

34.   The Examiner finds that because the claims are indefinite under 35 U.S.C. §112, second paragraph, it is impossible to properly construe claim scope at this time. However, in accordance with MPEP §2173.06 and the USPTO's policy of trying to advance prosecution by providing art rejections even though these claims are indefinite, the claims are construed and the prior art is applied as much as practically possible.

Claim Rejections - 35 USC §103

35.   The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

36.   Claims 30-32, 36, 37, 39, 40, 45, 46, 48-50, 52, 54, and 56-59, as understood by the Examiner, are rejected under 35 U.S.C. §103(a) as being unpatentable over Banatre et al. (U.S. 6,901,261 B2) ("Banatre"), in view of Peterson et al. (U.S. 6,324,522 B2) ("Peterson").

Regarding Claims 30, 39, and 48

37.   Banatre discloses:

a handheld computer ("portable sets," *e.g.*, "personal digital assistant" – see at least c. 2,

ll. 13-15 and c. 5, ll. 27-28; also referred to as "portable set Ui") comprising (a) a location circuit

configured to provide location data ("communication **4**" discussed in at least c. 5, ll. 55-59 and

shown in fig. 1 as containing at least a "Pid" and as sent from the "Ui" (*i.e.*, "portable set Ui") to

the Si via the Bai; see also c. 6, ll. 17-19 describing the Pid; also a hardware component

equivalent to the "location circuit" is *necessarily present* in the "portable set" since the portable

set provides the "communication **4**" (*i.e.*, the claimed "location data")) based at least in part on

the location of the handheld computer (again see at least c. 6, ll. 17-19 describing the Pid as

indicating the position or location of user and Ui) and (b) a wireless transceiver (see

communication interface discussed in at least c. 5, ll. 27-37) configured to provide wireless

communication of the location data and a user identifier (see again "communication **4**" discussed

in at least c. 5, ll. 55-59 and shown in fig. 1 as containing a "Uid" (*i.e.*, user identifier); see also

c. 5, ll. 21-22 describing "Uid"); and

a data processor configured to receive the location data and the personal identifier (see at

least the Bai of fig. 1) and to send a targeted promotion for selling an object for a person

associated with the user identifier based at least in part on the location data (see at least c. 7, ll.

15-30 discussing a user targeted object promotion; see also pricing characteristic of a context-

sensitive service discussed in c. 2, ll. 5-8; see also c. 1, ll. 10-18).

38.   Banatre does not directly disclose a data processor configured to set a price for selling the object, and to adjust the price lower for selling the object for a person associated with the user identifier.

39.   Peterson teaches a data processor configured to receive a personal identifier, to set a price for selling an object, and to adjust the price lower for selling the object for a person associated with the user identifier (see at least c. 24, ll. 9-20).

40.   Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the system of Banatre, which delivers a context-sensitive promotion of an object based on a user ID and a position ID of the user, to include the functionality of Peterson's system that sets prices and adjusts the prices based on specific user's ID. One would have been motivated to do so because this would allow the vendors of Banatre to include user specific pricing in their targeted promotions. See Peterson at c. 24, ll. 9-20 ("enables [a] vendor to quote different prices to different customers.").

Regarding Claims 31, 32, 36, 37, 40, 45, 46, 49, 50, 52, 54, and 56-59

41.   The combination of Banatre and Peterson meet the limitations of claims 30, 39, and 48, as shown above, and further disclose the limitations of:

At least claim 31: A system for pricing an object as in claim 30, wherein the data processor is remote from the handheld computer (Banatre: fig. 1);

At least claim 32: A system for pricing an object as in claim 31, wherein the data processor is configured to receive the location data from the location circuit wirelessly through a cellular network (Banatre: c. 5, ll. 55-59);

At least claim 36: A system for pricing an object as in claim 30, wherein the data processor is configured to dynamically adjust the price for the object based on the location of the handheld computer (promotion of Banatre is based on location of the Ui; moreover, the promotion can be a price adjustment as in Peterson; therefore, the combination meets a price adjustment based on location – see citations above with respect to claim 30);

At least claim 37: A system for pricing an object as in claim 30, wherein the location data further comprises a distance between the location of the handheld computer and a provider of the object (Banatre: description of Pi and "perimeter");

At least claim 54: The system of Claim 30, wherein the handheld computer comprises a cellular telephone (Banatre: c. 2, ll. 12-14);

At least claim 58: The system of Claim 30, wherein the data processor is further configured to receive user information and to set the price for the object based on the user information (see at least Banatre at c. 7, ll. 15-30 and Peterson at c. 24, ll. 9-20).

42.   Claims 33, 41, 44, and 51, as understood by the Examiner, are rejected under 35 U.S.C. §103(a) as being unpatentable over Banatre et al. (U.S. 6,901,261 B2) ("Banatre"), in view of Peterson et al. (U.S. 6,324,522 B2) ("Peterson"), and in further view of Brick et al. (U.S. 6,269,342 B1) ("Brick").

Regarding Claims 33, 41, 44, and 51

43.   The combination of Banatre and Peterson meet the limitations of claims 30, 39, and 48, as shown above. The combination further discloses adjusting a price of an object based on a

change of the location of the handheld computer (Banatre discloses the PDA enters perimeter

and user receives promotion for the object, combined with Peterson's price adjustment as an

integral part of the promotion).

44.   The combination does not directly disclose wherein the data processor is further

configured to price the object based on a date or a time of day.

45.   Brick teaches a data processor configured to price an object based on a date or a time of

day (c. 11, ll. 38-53 & c. 15, l. 60 – c. 16, l. 6).

46.   Therefore, it would have been obvious to one of ordinary skill in the art, at the time the

invention was made, to modify Banatre and Peterson to price objects based on a date or a time of

day, as taught by Brick, in order to vary pricing according to competitors (Brick: c. 15, l. 60 – c.

16, l. 6).

47.   Claims 34 and 42, as understood by the Examiner, are rejected under 35 U.S.C. §103(a)

as being unpatentable over Banatre et al. (U.S. 6,901,261 B2) ("Banatre"), in view of Peterson et

al. (U.S. 6,324,522 B2) ("Peterson"), and in further view of Dueck et al. (U.S. 6,012,834 A)

("Dueck").

Regarding Claims 34 and 42

48.   The combination of Banatre and Peterson meet the limitations of claims 30, 39, and 48,

as shown above. The combination does not directly disclose wherein the data processor is

further configured to price the object based on an environmental condition, including a weather

condition.

49.   Dueck teaches a data processor configured to price objects based on an environmental

condition, including a weather condition (c. 2, ll. 6-13).

50.   Therefore, it would have been obvious to one of ordinary skill in the art, at the time the

invention was made, to modify Banatre and Peterson to price objects based on weather, as taught

by Dueck, in order to price objects for current demand (Dueck: c. 1, ll. 52-58).

Claim Interpretation

51.   After careful review of the original specification, the Examiner is unable to locate any

lexicographic definitions with the required clarity, deliberateness, and precision. See MPEP

§2111.01 IV.

52.   The Examiner finds that because the examined claims recite neither "step for" nor

"means for," the examined claims fail Prong (A) as set forth in MPEP §2181 I. Because the

examined claims fail Prong (A) as set forth in MPEP §2181 I., the Examiner concludes that all

examined claims do not invoke 35 U.S.C. §112, 6th paragraph. See also *Ex parte Miyazaki*, 89

USPQ2d 1207, 1215-16 (B.P.A.I. 2008)(precedential).

53.   The Examiner hereby adopts the following definitions under the broadest reasonable

interpretation standard. In accordance with *In re Morris,* 127 F.3d 1048, 1056, 44 USPQ2d

1023, 1029 (Fed. Cir. 1997), the Examiner points to these other sources to support his

interpretation of the claims.[3] Additionally, these definitions are only a guide to claim

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[3] While most definitions are cited because these terms are found in the claims, the Examiner may
have provided additional definition(s) to help interpret words, phrases, or concepts found in the
definitions themselves or in the prior art.

terminology since claim terms must be interpreted in context of the surrounding claim language. Finally, the following list is not intended to be exhaustive in any way:

circuit (*n.*) "2. A combination of electrical components interconnected to perform a particular task. At one level, a computer consists of a single circuit; at another, it consists of hundreds of interconnected circuits." Computer Dictionary, 5th Edition, Microsoft Press, Redmond, WA, 2002;

configuration "(1) (C) The physical and logical elements of an information processing system, the manner in which they are organized and connected, or both. Note: May refer to hardware configuration or software configuration." IEEE 100 The Authoritative Dictionary of IEEE Standards Terms, 7th Edition, IEEE, Inc., New York, NY, Dec. 2000;

data "Plural of the Latin datum, meaning an item of information. In practice, data is often used for the singular as well as plural the form of the noun." Computer Dictionary, 3rd Edition, Microsoft Press, Redmond, WA, 1997;

enable "1 a : to provide with the means or opportunity... b : to make possible, practical or easy." Webster's Ninth New Collegiate Dictionary, Merriam-Webster Inc., Springfield MA, 1986;

for "1 a – used as a function word to indicate purpose." Webster's Ninth New Collegiate Dictionary, Merriam-Webster, Inc., Springfield, MA, 1986;

GSM (n.) "Acronym for Global System for Mobile Communications. A digital cellular phone technology first deployed in 1992. In 2000, GSM was the predominant phone technology in Europe, and was used by 250 million subscribers worldwide. GSM phones offer a removable smart card containing subscriber account information. This card can be transferred from phone to

phone quickly and easily, allowing the user to access his account from any phone in the system. Various enhancements to the GSM system allow increased Web browsing and data transfer options. See also GPRS, TDMA." Computer Dictionary, 5th Edition, Microsoft Press, Redmond, WA, 2002;

provide (v.) "To make available, afford." The American Heritage® Dictionary of the English Language, 4th ed. Boston: Houghton Mifflin, 2000;

receive "vb. To accept data from an external communications system, such as a local area network (LAN) or a telephone line, and store the data as a file." Computer Dictionary, 5th Edition, Microsoft Press, Redmond, WA, 2002;

server "2. On the Internet or other network, a computer or program that responds to commands from a client." Computer Dictionary, 3rd Edition, Microsoft Press, Redmond, WA, 1997;

store "4. Computer Science To copy (data) into memory or onto a storage device, such as a hard disk." The American Heritage® Dictionary of the English Language, 4th ed. Boston: Houghton Mifflin, 2000;

to "2a -- used as a function word to indicate purpose, intention, tendency, result, or end." Webster's Ninth New Collegiate Dictionary, Merriam-Webster Inc., Springfield MA, 1986; and

transceiver (n.) "Short for transmitter/receiver. A device that can both transmit and receive signals. On LANs (local area networks), a transceiver is the device that connects a computer to the network and that converts signals to and from parallel and serial form." Computer Dictionary, 5th Edition, Microsoft Press, Redmond, WA, 2002.

Response to Arguments

54.   Applicants' arguments with respect to the pending claims have been considered but are moot in view of the new grounds of rejection.

Conclusion

55.   Applicants are respectfully reminded that any suggestions or examples of claim language provided by the Examiner are just that—suggestions or examples—and do not constitute a formal requirement mandated by the Examiner. To be especially clear, any suggestion or example provided in this Office Action (or in any future office action) does *not* constitute a formal requirement mandated by the Examiner.

c.   Should Applicants decide to amend the claims, Applicants are also reminded that—like always—no new matter is allowed. The Examiner therefore leaves it up to Applicants to choose the precise claim language of the amendment in order to ensure that the amended language complies with 35 U.S.C. §112, first paragraph.

d.   Independent of the requirements under 35 U.S.C. §112, first paragraph, Applicants are also respectfully reminded that when amending a particular claim, all claim terms must have clear support or antecedent basis in the specification. See 37 C.F.R. §1.75(d)(1) and MPEP §608.01(o). Should Applicants amend the claims such that the claim language no longer has clear support or antecedent basis in the specification, an objection to the specification may result. Therefore, in these rare situations where the amended claim language does *not* have clear

support or antecedent basis in the specification and to prevent a subsequent 'Objection to the

Specification' in the next office action, Applicants are encouraged to either (1) re-evaluate the

amendment and change the claim language so the claims *do* have clear support or antecedent

basis or, (2) amend the specification to ensure that the claim language does have clear support or

antecedent basis. See again MPEP §608.01(o) (¶3). Should Applicants choose to amend the

specification, Applicants are reminded that—like always—no new matter in the specification is

allowed. See 35 U.S.C. §132(a). If Applicants have any questions on this matter, Applicants are

encouraged to contact the Examiner via the telephone number listed below.

56.   The prior art made of record and not relied upon is considered pertinent to Applicant's

disclosure (see attached form PTO-892). All references listed on form PTO-892 are cited in their

entirety.

57.   Any inquiry of a general nature or relating to the status of this application or concerning

this communication or earlier communications from the Examiner should be directed to Jacob C.

Coppola whose telephone number is (571) 270-3922. The Examiner can normally be reached on

Monday-Friday, 9:00 a.m. - 5:00 p.m. If attempts to reach the Examiner by telephone are

unsuccessful, the Examiner's supervisor, Andrew Fischer can be reached at (571) 272-6779.

58.   Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private

PAIR system, please contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

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